

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-SECOND LEGISLATURE

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**TWENTY-FIFTH LEGISLATIVE DAY  
THURSDAY, JANUARY 30, 2014**

Senate Chamber

President Pro Tempore Hill called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Goedde, absent and formally excused by the Chair; and Senators Bayer, Cameron, and Patrick, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Aaron Sweet, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 29, 2014, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

January 29, 2014

The JUDICIARY AND RULES Committee reports that [SJM 104](#), [S 1256](#), [S 1257](#), and [S 1258](#) have been correctly printed.

LODGE, Chairman

On request by Senator McKenzie, granted by unanimous consent, [SJM 104](#) was referred to the State Affairs Committee.

[S 1256](#) was referred to the Health and Welfare Committee.

[S 1257](#) was referred to the Education Committee.

[S 1258](#) was referred to the State Affairs Committee.

Senators Bayer and Patrick were recorded present at this order of business.

January 29, 2014

The JUDICIARY AND RULES Committee reports that [S 1210](#) has been correctly enrolled.

LODGE, Chairman

The President Pro Tempore signed Enrolled [S 1210](#) and ordered it transmitted to the House for the signature of the Speaker.

January 29, 2014

The FINANCE Committee reports out [H 407](#) with the recommendation that it do pass.

CAMERON, Chairman

[H 407](#) was filed for second reading.

January 29, 2014

The LOCAL GOVERNMENT AND TAXATION Committee reports out [S 1235](#), [S 1236](#), [S 1237](#), and [S 1238](#) with the recommendation that they do pass.

SIDDOWAY, Chairman

[S 1235](#), [S 1236](#), [S 1237](#), and [S 1238](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

January 29, 2014

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Dolly Ouita Bedal of Boise, Idaho, was reappointed as a member of the Sexual Offender Management Board to serve a term commencing January 1, 2014, and expiring January 1, 2017.

This reappointment was made subject to confirmation by the Senate. Notice of reappointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Judiciary and Rules Committee.

January 29, 2014

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Paula K. Garay of Meridian, Idaho, was reappointed as a member of the Sexual Offender Management Board to serve a term commencing January 1, 2014, and expiring January 1, 2017.

This reappointment was made subject to confirmation by the Senate. Notice of reappointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Judiciary and Rules Committee.

January 29, 2014

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Kimberly Simmons of Boise, Idaho, was reappointed as a member of the Sexual Offender Management Board to serve a term commencing January 1, 2014, and expiring January 1, 2017.

This reappointment was made subject to confirmation by the Senate. Notice of reappointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Judiciary and Rules Committee.

January 29, 2014

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Leon Kyle Slichter of Grangeville, Idaho, was appointed as a member of the State Soil and Water Conservation Commission to serve a term commencing January 22, 2014, and expiring July 1, 2018.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Agricultural Affairs Committee.

Senator Cameron was recorded present at this order of business.

The Senate advanced to the Ninth Order of Business.

### Messages from the House

January 29, 2014

Dear Mr. President:

I transmit herewith [H 381](#) and [H 384](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 381](#) and [H 384](#) were filed for first reading.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

The President Pro Tempore announced that [SCR 133](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Bair, seconded by Senator Lacey, [SCR 133](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Dr. John Livingston was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Schmidt, seconded by Senator Werk, the Gubernatorial appointment of Dr. John Livingston as a member of the Idaho Health Insurance Exchange Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Fernando Veloz was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Tippetts, seconded by Senator Stennett, the Gubernatorial appointment of Fernando Veloz as a member of the Idaho Health Insurance Exchange Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Jeff Agenbroad was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lakey, seconded by Senator Tippetts, the Gubernatorial appointment of Jeff Agenbroad as a member of the Idaho Health Insurance Exchange Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Margaret Henbest was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Cameron, seconded by Senator Stennett, the Gubernatorial appointment of Margaret Henbest as a member of the Idaho Health Insurance Exchange Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Stephen Weeg was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Schmidt, seconded by Senator Werk, the Gubernatorial appointment of Stephen Weeg as a member of the Idaho Health Insurance Exchange Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, granted by unanimous consent, the committee report of the Gubernatorial appointment confirmation of Tom Shores retained its place on the calendar for Monday, February 3, 2014.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1259  
BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO BATTERY; AMENDING CHAPTER 9, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-915C, IDAHO CODE, TO AUTHORIZE PUNISHMENT FOR BATTERY AGAINST CERTAIN HEALTH CARE WORKERS, TO PROVIDE AFFIRMATIVE DEFENSES AND TO PROVIDE FOR THE APPLICATION OF CERTAIN SECTIONS OF IDAHO CODE.

**S 1260  
BY HEALTH AND WELFARE COMMITTEE  
AN ACT**

RELATING TO HAZARDOUS WASTE MANAGEMENT; AMENDING SECTION 39-4403, IDAHO CODE, TO REVISE THE DEFINITION OF "RESTRICTED HAZARDOUS WASTE."

**S 1261  
BY HEALTH AND WELFARE COMMITTEE  
AN ACT**

RELATING TO NURSES; AMENDING SECTION 54-1401, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CRIMINAL HISTORY CHECKS AND TO MAKE A TECHNICAL CORRECTION.

**S 1262  
BY HEALTH AND WELFARE COMMITTEE  
AN ACT**

RELATING TO NURSES; AMENDING SECTION 54-1404, IDAHO CODE, TO REVISE TERMINOLOGY, TO AUTHORIZE THE IMPOSITION OF A MONETARY PENALTY AS AN ALTERNATIVE TO FORMAL DISCIPLINE AGAINST NURSES WHO VIOLATE NURSING STATUTES OR RULES, TO CORRECT A CODIFIER ERROR AND TO MAKE TECHNICAL CORRECTIONS.

**S 1263  
BY HEALTH AND WELFARE COMMITTEE  
AN ACT**

RELATING TO VITAL STATISTICS; AMENDING SECTION 39-241, IDAHO CODE, TO REVISE A DEFINITION AND TO CLARIFY THE ROLE OF AN ADVANCED PRACTICE REGISTERED NURSE; AMENDING SECTION 39-260, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 39-268, IDAHO CODE, TO REVISE TERMINOLOGY.

**S 1264  
BY EDUCATION COMMITTEE  
AN ACT**

RELATING TO THE PUBLIC CHARTER SCHOOL COMMISSION; AMENDING SECTION 33-5213, IDAHO CODE, TO PROVIDE THAT IT SHALL BE THE RESPONSIBILITY AND DUTY OF THE DIRECTOR OF THE STATE BOARD OF EDUCATION, OR HIS DESIGNEE, TO ADMINISTER AND ENFORCE CERTAIN PROVISIONS AND TO PROVIDE FOR POLICIES AND RECOMMENDATIONS.

**S 1265  
BY LOCAL GOVERNMENT AND TAXATION  
COMMITTEE  
AN ACT**

RELATING TO AIRPORT ZONING; AMENDING SECTION 21-503, IDAHO CODE, TO PROVIDE THAT POLITICAL SUBDIVISIONS HAVE THE POWER TO ADOPT REGULATIONS, TO REVISE TERMINOLOGY, TO REVISE A CODE REFERENCE, TO REMOVE PROVISIONS RELATING TO THE METHOD OF ADOPTING ZONING REGULATIONS, TO REMOVE A PROVISION RELATING TO ZONING AVIATION HAZARD AREAS ADJACENT TO AN AIRPORT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6502, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE THAT PUBLIC AIRPORTS ARE ESSENTIAL COMMUNITY FACILITIES; AMENDING SECTION 67-6508, IDAHO CODE, TO PROVIDE FOR PUBLIC AIRPORT FACILITIES IN THE PLANNING DUTIES OF A PLANNING AND ZONING COMMISSION; AMENDING SECTION 67-6509, IDAHO CODE, TO PROVIDE THAT NOTICE OF INTENT TO AMEND A ZONING PLAN SHALL BE SENT TO THE MANAGER OF A LOCAL AIRPORT; AMENDING SECTION

67-6512, IDAHO CODE, TO PROVIDE THAT A STUDY OF AVIATION HAZARDS MAY BE REQUIRED FOR A SPECIAL USE PERMIT; AMENDING SECTION 67-6515A, IDAHO CODE, TO PROVIDE FOR NOTICE AND HEARING IN THE TRANSFER OF DEVELOPMENT RIGHTS AND TO PROVIDE THAT AVIATION HAZARDS SHALL BE AVOIDED IN THE TRANSFER OF DEVELOPMENT RIGHTS; AND AMENDING SECTION 67-6516, IDAHO CODE, TO PROVIDE FOR NOTICE AND HEARING IN THE CONSIDERATION OF VARIANCE PERMITS.

**S 1266**

**BY AGRICULTURAL AFFAIRS COMMITTEE**  
AN ACT

RELATING TO BEES; AMENDING SECTION 22-2510, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM SPECIFIED FEES, TO PROVIDE FOR REGISTRATION AND TO SPECIFY INFORMATION TO BE SUPPLIED; AND AMENDING SECTION 22-2809, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM SPECIFIED FEES AND TAXES, TO PROVIDE FOR REGISTRATION AND TO SPECIFY INFORMATION TO BE SUPPLIED.

**S 1267**

**BY AGRICULTURAL AFFAIRS COMMITTEE**  
AN ACT

RELATING TO THE EQUINE EDUCATION ACCOUNT; AMENDING SECTION 57-818, IDAHO CODE, TO REQUIRE A SPECIFIED APPROPRIATION AND USE OF MONEYS IN THE EQUINE EDUCATION ACCOUNT, TO REMOVE CERTAIN CONDITIONS OF EXPENDITURE, TO REMOVE PROVISIONS RELATING TO THE USE OF BALANCES AT THE END OF THE FISCAL YEAR, TO PROVIDE THAT UPDATES OF THE IDAHO HORSE CENSUS SURVEY SHALL BE INITIATED BY THE IDAHO HORSE COUNCIL, TO PROVIDE FOR A NEGOTIATED CONTRACT, TO PROVIDE THAT THE UNIVERSITY OF IDAHO SOCIAL SCIENCE RESEARCH UNIT WILL INVOICE THE ACCOUNT FOR DISTRIBUTION AND TO PROVIDE FOR USE OF UNEXPENDED APPROPRIATION BALANCES; AND DECLARING AN EMERGENCY.

**S 1268**

**BY AGRICULTURAL AFFAIRS COMMITTEE**  
AN ACT

RELATING TO ANIMALS; AMENDING CHAPTER 2, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-207C, IDAHO CODE, TO PROVIDE THAT CERTAIN BEEF BULLS SHALL BE TESTED ANNUALLY FOR TRICHOMONIASIS.

S 1259, S 1260, S 1261, S 1262, S 1263, S 1264, S 1265, S 1266, S 1267, and S 1268 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 381 and H 384, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

H 386, H 387, and H 388, by Appropriations Committee, were read the second time at length and filed for third reading.

S 1223 and S 1224, by Health and Welfare Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

On request by Senator Johnson, granted by unanimous consent, S 1209 was recommitted to the Transportation Committee.

S 1245 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator McKenzie disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Bair, Bayer, Bock, Brackett, Buckner-Webb, Cameron, Davis, Fulcher, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Pearce, Rice, Schmidt, Siddoway, Stennett, Thayn, Tippets, Vick, Ward-Engelking, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Goedde. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared S 1245 passed, title was approved, and the bill ordered transmitted to the House.

S 1220 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lacey arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Bock, Brackett, Buckner-Webb, Cameron, Davis, Fulcher, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Pearce, Rice, Schmidt, Siddoway, Stennett, Thayn, Tippets, Vick, Ward-Engelking, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Goedde. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared S 1220 passed, title was approved, and the bill ordered transmitted to the House.

S 1214 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lakey arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Bock, Brackett, Buckner-Webb, Cameron, Davis, Fulcher, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Pearce, Rice, Schmidt, Siddoway, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Goedde, Werk. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1214](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 12 noon until the hour of 11:15 a.m., Friday, January 31, 2014.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary